

PROB 12A  
(12/98)RE: STIER, James  
1:02CR00085**United States District Court**

for

**Southern District of Ohio**

2008 FEB 26 AM 11:01

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WEST DIVISION CLEVELAND**Report on Offender Under Supervision**

Name of Offender: **James R Stier** Case Number: **1:02CR00085**

Name of Sentencing Judicial Officer: **The Honorable Sandra S. Beckwith**  
**Chief United States District Judge**

Date of Original Sentence: **November 18, 2002**

Original Offense: **Possession of Firearm by Convicted Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), a Class C Felony**

Original Sentence: **37 month(s) prison, 36 month(s) supervised release**

Type of Supervision: **Term Of Supervised Release** Date Supervision Commenced: **March 1, 2005**

**NON-COMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
<b>#1</b>	<b><u>"While on Supervised Release, you shall not commit another Federal, state, or local crime and shall not illegally possess a controlled substance."</u></b>

On February 7, 2008, Stier was charged with Failure to Register as a Sexually Oriented Offender in Brown County, Ohio Municipal Court case number A-0800143. It is alleged that he failed to register as required by Ohio Revised Code Section 2950.04 between June 6, 2007 and February 6, 2008.

## U.S. Probation Officer Action:

This officer is writing to advise the Court that Stier was charged with Failure to Register as a Sexually Oriented Offender in Brown County, Ohio Municipal Court case number A-0800143 on February 7, 2008. It is alleged that he failed to register as required by Ohio Revised Code Section 2950.04 between June 6, 2007 and February 6, 2008.

By way of background, Stier was convicted of Gross Sexual Imposition in Hamilton County, Ohio on April 24, 1991. Based upon that conviction, on June 6, 2007, this officer advised Stier that he was required to register as a sex offender under the provisions of the Adam Walsh Child Protection and Safety Act of 2006/Sex Offender Registration and Notification Act (SORNA). This officer gave Stier a Notice and Acknowledgment of Duty to Register as a Sex Offender form on June 6, 2007 which Stier signed. However, there was some confusion regarding registration of sex offenders with older prior convictions, and Stier's registration was delayed. After gaining a clearer understanding, this officer conducted a home visit on January 11, 2008 and

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again advised the offender that he must register as a sex offender. He was told that his obligation was to report to the Sheriff's Office in Brown and Hamilton counties to make himself available to register. He was told it would be up to the counties as to whether or not they would accept registration.

On February 6, 2008, Stier reported to the Brown County, Ohio Sheriff's Office to register as a sex offender. A Sheriff's deputy observed Stier had originally been advised of his obligation to register by this officer in June 2007. The Deputy charged Stier with Failure to Register as a Sexually Oriented Offender, and he was arrested on that date. It is noted that Ohio law complying with the Adam Walsh Act did not take effect until January 1, 2008. In addition, it does not appear Stier was required under prior state law to register, nor was he ordered to do so when sentenced in 1991.

According to the Assistant Brown County Prosecutor assigned Stier's case, there is a preliminary hearing scheduled for March 7, 2008 (nine days after the expiration of Stier's sentence). The assistant prosecutor stated she is in the process of researching Stier's prior sex offense conviction to determine if she will continue with the prosecution or if the case will be dismissed. Stier is currently free on bond, and he has registered as a sex offender in Brown County, Ohio.

Stier is residing in Brown County, Ohio by himself in a mobile home trailer situated next door to his mother and father-in-law's home. He is enrolled in mental health and substance abuse treatment with Brown County Recovery Services, and he has a case manager who makes regular visits to his home. He is receiving disability benefits, and his case manager helps arrange ongoing medical care for Stier. Based upon the above, and the fact Stier has now registered as a sex offender in Brown County, Ohio, and the delay in his registration between June 2007 and February 2008 was the result of unclear directives, it is respectfully recommended the Court take no action against Stier for the above alleged violation. It is also respectfully recommended that the Court allow Stier's Supervised Release to expire as scheduled on February 29, 2008.

Respectfully submitted,

Approved,

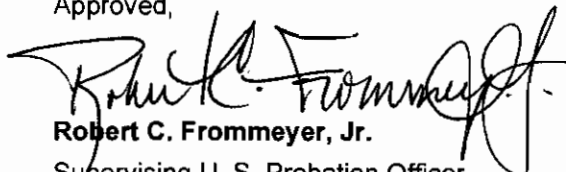
by

**Thomas Barbeau**

U. S. Probation Officer

Date: **February 25, 2008**

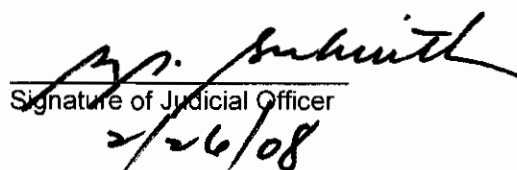
by

**Robert C. Frommeyer, Jr.**

Supervising U. S. Probation Officer

Date: **2/25/2008**

- ☒ I concur with the recommendation of the Probation Officer  
☐ Submit a Request for Modifying the Condition or Term of Supervision  
☐ Submit a Request for Warrant or Summons

  
Signature of Judicial Officer

Date